

Appendix A

Respondents file with their Brief in Opposition, under Rule 21(6), certified copies of appellants' designation of record and the designations of the record for printing filed by both parties in the court below, together with a certificate of the clerk of the court below stating that the designations for printing included all of the testimony in the trial transcript. Below are reprinted the appellants' designation of record and the clerk's certificate, omitting in each instance the title of court and cause.

DESIGNATION OF RECORD

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Plaintiffs-appellants in the above-entitled case having appealed to the United States Court of Appeals for the Ninth Circuit from a final judgment heretofore made and entered herein, you are hereby requested to prepare certified record of appeal in accordance with the rules of the said Court of Appeals and to file the same with the Clerk of the said Court in due course, as provided by law, to include the following:

1. The complete record and all of the proceedings and evidence in the above-entitled action.
2. This designation of record.

DATED: June 30, 1958.

Joseph L. Aloto

JOSEPH L. ALOTO

Attorney for Plaintiffs Appellants

CERTIFICATE OF CLERK, U. S. COURT OF AP-
PEALS FOR THE NINTH CIRCUIT, TO SUPPLE-
MENTAL RECORD CERTIFIED UNDER RULE 21
OF THE REVISED RULES OF THE SUPREME
COURT OF THE UNITED STATES.

I, WILLIAM E. WILSON, as Chief Deputy Clerk of the United States Court of Appeals for the Ninth Circuit, do hereby certify the foregoing documents: designation of appellants filed in the District Court, appellants' statement of points and designation of record, letter amending designation, designation of appellees' Union Carbide, et al., supplemental designation of appellees' Union Carbide, et al., letter of Clerk, U. S. Court of Appeals of April 26, 1960 to be a full, true and correct copy of documents requested by the appellees and certified as a supplemental record under Rule 21 of the Revised Rules of the Supreme Court of the United States as the originals thereof remain on file and appear of record in my office.

I further certify that I have compared the designations of the record of printing filed by the respective parties as transmitted herewith, with the reporter's transcript in this case in the United States District Court for the Northern District of California, and that the parties did designate for printing all portions of the said reporter's transcript which contain the testimony of the witnesses, and omitted portions consisting of certain statements and arguments of counsel and colloquies between court and counsel.

Attest my hand and the seal of the said The United States Court of Appeals for the Ninth Circuit, in the City and County of San Francisco, State of California, this 7th day of September, 1961.

(SEAL)

WILLIAM E. WILSON

WILLIAM E. WILSON

Chief Deputy Clerk

Appendix B

The letter reprinted below is one of the documents certified to the Court under Rule 21(c) by means of the clerk's certificate filed with the Brief in Opposition and reprinted in Appendix A above.

Office of the Clerk
U. S. Court of Appeals
For the Ninth Circuit,
San Francisco 1, Calif.

April 26, 1960

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No. 16149

Continental Ore Co. v. Union Carbide

Gentlemen:

The Court has requested my office to suggest to counsel in the above entitled case that it would be helpful to the Court if counsel would file additional memoranda (an original and three copies, which may be typewritten) pointing to every specific place in the record where there is testimony or documentary evidence which will show or tend to show:

1. The cause of the termination of Apex Smelting Company's arrangement with Continental.

2. The cause of the termination of Imperial Paper and Color Corporation's arrangement with Continental.

3. The cause of the cessation of shipments by Continental of vanadium compounds from its Long Island premises.

4. The cause of the failure of Continental to work out an arrangement with Climax Molybdenum Corporation.

The Court requests that this memoranda be filed within two weeks from today. Thank you.

Sincerely,

Frank H. Schmid

Clerk

FS:nd